



Federal Communications Commission  
Washington, D.C. 20554

DA 07-1360

March 20, 2007

Keith H. Fagan  
1101 Wootton Parkway  
10th Floor  
Rockville, MD 20852

Re: Call Sign E000284  
File No. SES-LIC-20060130-00175  
File No. SES-AMD-20060713-01148  
File No. SES-AMD-20070112-00100

Dear Mr. Fagan:

This is in response to Telenor Satellite, Inc.'s (Telenor's) above-captioned applications for authority to operate up to 1000 Inmarsat-C half-duplex mobile earth terminals (METs). The METs would provide Mobile Satellite Service (MSS)<sup>1</sup> to U.S. customers in certain L-band frequencies<sup>2</sup> via the Inmarsat 4F2, 3F2, and 3F3 satellites. For the reasons stated below, we dismiss the applications as defective without prejudice to refileing.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, that contains internal inconsistencies, or that does not substantially comply with the Commission's rules. Telenor's applications contain several omissions and discrepancies that render it unacceptable and subject to dismissal. These deficiencies are as follows:

(1) Telenor does not include the antenna transmit gain for the METs, as required by item E41 of Schedule B;

(2) L-Band MSS operations are subject to certain requirements concerning real-time priority and preemptive access for distress and safety services provided in the band.<sup>3</sup> The

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<sup>1</sup> MSS is a radiocommunication service between mobile earth stations and one or more space stations providing voice, data and other services. MSS is used generically in this order to encompass service to mobile terminals on land vehicles (Land Mobile Satellite Service (LMSS)), aircraft (Aeronautical Mobile Satellite Service (AMSS)), and ships (Maritime Mobile Satellite Service (MMSS)).

<sup>2</sup> The L-band encompasses the 1525-1544, 1545-1559 MHz, 1626.5-1645.5, and 1646.5-1660.5 MHz frequencies. The 1525-1544 and 1626.5-1645.5 MHz frequencies are referred to as the "lower L-band" and the 1545-1559 and 1646.5-1660.5 MHz frequencies as the "upper L-band." The 1544-1545 and 1645.5-1646.5 MHz band is limited to safety and distress communications in the MSS in accordance with Footnotes 5.356 and 5.365 of the Table of Frequency Allocations. 47 C.F.R. § 2.106. The Telenor proposes to operate its METs in the 1525-1545 and 1626.5-1646.5 MHz portions of these bands.

<sup>3</sup> See ITU Radio Regulation 5.353A, 47 C.F.R. § 2.106, note US315, and 25.136(d)-(e).

National Telecommunications and Information Administration (NTIA) has recommended interpreting this policy to require METs to be capable of, among other things, ceasing transmissions and inhibiting further transmissions within one second, and the Commission has adopted NTIA's recommendation.<sup>4</sup> It is our understanding that the METs for which Telenor seeks authorization do not meet this standard, but were previously licensed pursuant to a short-term waiver. In the application, however, Telenor does not request a waiver, nor does it provide any justification for a waiver; and

(3) In Section A4 of the attachment to its application and in response to item S9(e) of Schedule S for the Inmarsat 4F2 and 3F2 satellites, Telenor states that the satellites use Right Hand Circular (RHC) polarization on both uplink and downlink transmissions in the L-band. In response to item E46 of Schedule B, however, Telenor states that the polarization is Left and Right Hand Circular.

While we dismiss the application on the above bases, we take the opportunity to apprise Telenor of other potential issues with the application should it choose to refile it. First, Telenor proposes to operate in frequency bands including the 1544-1545 and 1645.5-1646.5 MHz bands. The 1544-1545 and 1645.5-1646.5 MHz bands are limited to safety and distress communications in the MSS. Telenor should clarify, in any refiling, whether it intends to provide MSS safety and distress communications in these bands. If it does not, it should exclude the 1544-1545 and 1645.5-1646.5 MHz bands from its response to items E43/44 and E52/53 of Schedule B.

Second, in response to item E17 of Schedule B, Telenor indicates that it will not remotely control the METs via feeder links to gateway stations in the Fixed-Satellite Service. Section 25.271 of the Commission's rules requires that METs that are not remotely controlled must be under the direct control of a trained operator at the site from which it operates. Because this method of operation may not be practical for a large number of METs, such as the network proposed by Telenor, we request Telenor to clarify, in any refiling, whether it intends to remotely control its METs by Land Earth Stations (LES). If so, Telenor should select "Yes" in response to item E17 and provide the information requested in items E61 through E68 of Schedule B for the LES.

Third, Telenor states in Section A1 of the attachment to its application that it will operate the METs anywhere in the United States and its territorial waters. Telenor should denote this service area in any refiling when responding to items E3-E4, E7-E8, and E10 of Schedule B.

Fourth, in response to items E52/53 of Schedule B, Telenor states that the range of satellite arc is 1° to 160° W.L. This range does not cover communications with Inmarsat 3F3, which is located at the 178.1° E.L. orbital location, and which Telenor lists as a point of communication.

Fifth, Telenor did not submit the required Schedule S for the Inmarsat 3F3 satellite, nor did it provide the antenna gain contour(s) for that satellite in the ".gxt" format as required by Section 25.114(d)(3) of the Commission's rules.<sup>5</sup> Instead, it submitted a request for a waiver of

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<sup>4</sup> See Establishing Rules and Policies for the use of Spectrum for Mobile Satellite Services in the Upper and Lower L-band, *Report and Order*, IB Docket No. 96-132, 17 FCC Rcd 2704, 2717-22 (paras. 30-41) (2002).

<sup>5</sup> 47 C.F.R. §25.114(d)(3). Telenor initially requested a waiver of the requirement to submit Schedule S information for both Inmarsat 3F2 and 3F3. However, on July 13, 2006, Telenor filed an amendment to its

these information requirements, asserting that the satellite was launched in 1996, well before the Commission adopted the rule requiring applicants to provide Schedule S information for non-U.S. licensed satellites. While we need not reach the merits of the waiver request in light of our finding that the application is otherwise unacceptable for filing, we note that we generally require applicants to submit Schedule S if that information is not already on the record -- even for satellites already in orbit and operating.<sup>6</sup> To expedite processing of any refiled application, Telenor may therefore wish to include a Schedule S and other required technical information regarding Inmarsat 3F2 in that application.

Sixth, in Section A10 of attachment A of its July 13, 2006 amendment, Telenor states that the Inmarsat-C service uses forward and return communication channels digitally modulated as BPSK in a 5 kHz allocated bandwidth. However, in response to S11(c) of Schedule S, Telenor states that the assigned bandwidth of emission designator 5K00G1D is 5000 kHz rather than 5 kHz.

We also note that Mobile Satellite Ventures Subsidiary LLC (MSV) filed comments pertaining to this application. Because we are dismissing the application, we need not address MSV's concerns here.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. §25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. §0.261, we dismiss the application, as amended, without prejudice to refile.<sup>7</sup>

Sincerely,

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Chief, Systems Analysis Branch  
Satellite Division  
International Bureau

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application in which it provided Schedule S information for Inmarsat 3F2 and accompanying technical narratives for Inmarsat 3F2 and 3F3.

<sup>6</sup> See Amendment of the Commission's Space Station Licensing Rules and Policies, First Report and Order, 18 FCC Rcd 10760, 10872 (2003) (¶ 300).

<sup>7</sup> If Telenor refiles an application identical to the one dismissed, with the exception of supplying the missing and corrected information, it need not pay an application fee. See 47 C.F.R. § 1.109(d).